

DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: January 15, 2009

SPEX 2006-0028 & CMPT 2006-0008 – Herndon Recycling Center

DECISION DEADLINE: May 1, 2009

ELECTION DISTRICT: Dulles

PROJECT PLANNER: Stephen Gardner

EXECUTIVE SUMMARY

The Town of Herndon has submitted applications for a Special Exception and Commission approval to permit a recycling drop-off collection center, large, and a structure or use for federal, state, county, or local government purposes in the R-1 (Single Family Residential) zoning district. The property is located within the Route 28 Taxing District. The property is also located in the QN (Quarry Notification) Overlay District. This application is subject to the Revised 1993 Zoning Ordinance and the proposed uses are listed as Special Exception uses under Section 3-103 (L) and Section 3-103 (Y) and requires a Commission Permit in accordance with Section 6-1101. The subject property is an approximately 1.1 acre portion of a tract of approximately 14.7 acres and is located on the east side of Rock Hill Road (Route 605), south side of Old Ox Road (Route 606), and the west side of the Loudoun County / Town of Herndon boundary at 1481 Sterling Road, Herndon, Virginia in the Dulles Election District. The area is governed by the policies of the Revised General Plan (Suburban Policy Area) and the Revised Countywide Transportation Plan which designate this area for Business uses and which recommend a Floor Area Ratio (FAR) of up to 0.4.

RECOMMENDATION

Staff recommends approval of these applications, subject to the draft Special Exception Conditions and with the associated Findings located in the Staff Report.

SUGGESTED MOTIONS

1. I move that the Planning Commission approve CMPT 2006-0008, Herndon Recycling Center, subject to the plat dated July 2006, revised to July 2008, prepared by Burgess & Niple, and with the Findings contained in the January 15, 2009 Staff Report, and forward the application to the Board of Supervisors for ratification.

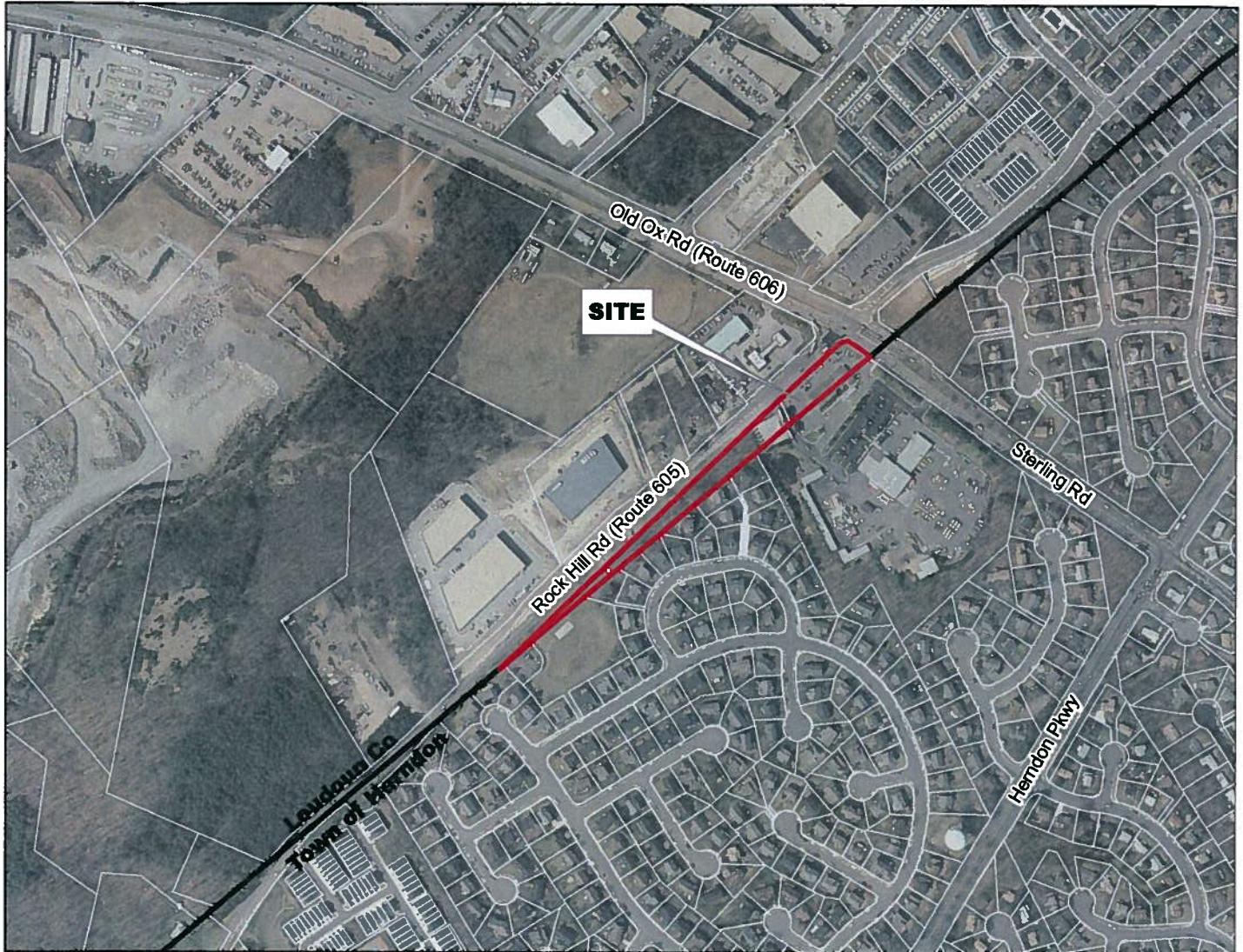
AND,

2. I move that the Planning Commission forward SPEX 2006-0028, Herndon Recycling Center, to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval dated December 31, 2008 and based on the attached Findings for approval.

OR,

1. I move an alternate motion.

VICINITY MAP



Directions:

From Leesburg, take Route 7 east to Route 28. Follow Route 28 south to the Old Ox Road interchange. Proceed east on Old Ox Road to Rock Hill Road and the Town of Herndon boundary. (Note: Old Ox Road becomes Sterling Road east of Rock Hill Road.) The property is located on the right, past the intersection with Rock Hill Road. Access through Loudoun County is via Rock Hill Road; access through the Town of Herndon is via Sterling Road.

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I. APPLICATION INFORMATION

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REPRESENTATIVE

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APPLICANT'S REQUEST

A Special Exception to allow a recycling drop-off collection center, large, and a structure or use for federal, state, county, or local government purposes in the R-1 (Single-Family Residential) Zoning District. A Commission Permit to allow a public recycling center. This application was accepted on November 6, 2006.

LOCATION

Property located at the intersection of Rock Hill Road and Sterling Road at the Loudoun County / Town of Herndon boundary.

TAX MAP/PARCEL #s

Tax Map /95/////////97/ MCPI 024-15-0571-000

ZONING

R-1 (Single Family Residential)

ACREAGE OF SITE

14.7 acres

SURROUNDING ZONING / LAND USES

	ZONING	PRESENT LAND USES
North	PD-H6	Vacant
South	PD-GI; R-1	Vacant
East	R-10 (Town of Herndon)	Public; Residential
West	PD-GI; R-1	Residential; Commercial

II. SUMMARY OF DISCUSSION

Topic	Issues Reviewed and Status
Comprehensive Plan	<ul style="list-style-type: none"> Conformance with <u>Revised General Plan</u> with respect to use. Status: Resolved. Civic uses (i.e. the drop-off collection center, large, and the structure or use for federal, state, county, or local government purposes) are anticipated as part of the land use mix for Business community. Existing mature landscaping around the recycling drop-off facility should be maintained to ensure an adequate buffer between the site and the residential uses located to the west. Status: Resolved.
Zoning	<ul style="list-style-type: none"> Demonstrate conformance with the performance standards of Section 5-607 related to the type of storage containers, identification of storage containers, and access to the facility. Status: Resolved. A modification of Section 5-607(A)(9) related to the required distance (150-feet) of a recycling center from a residential dwelling has not been justified. Status: Resolved; the recycling center, originally 124-feet from the nearest residential dwelling, has been relocated to a point 150-feet from the nearest residential dwelling. Consequently, the modification has been withdrawn. A modification of Section 5-607(B)(1) related to the setback of a recycling center from a right-of-way (50-feet) has not been justified. Status: Resolved; the recycling center has been relocated to a point 50-feet from the right-of-way. Consequently, the modification has been withdrawn. Delineate two stacking spaces on the Special Exception plat as required for a recycling center by Section 5-607(A)(10). Status: Resolved; two stacking spaces are now noted on the plat. The existing building and associated parking are not consistent with the setbacks as noted in Sections 5-900(A)(8) and 5-900(C). Status: Resolved; the building, constructed in 1952, predates the effective date of the Ordinance. As such, the building and parking may remain as non-conforming but may not expand beyond the current footprint. A type 4 buffer is required between the recycling center and adjacent uses. Status: Deferred; the Applicant will seek an administrative waiver of the buffering requirements at the time of site plan. Various administrative corrections to the Special Exception Plat. Status: Resolved.
Emergency Services	<ul style="list-style-type: none"> No issues noted. Status: Recommendation of approval.
Health	<ul style="list-style-type: none"> No issues noted. Status: Recommendation of approval.
VDOT	<ul style="list-style-type: none"> No issues noted. Status: Recommendation of approval.
Transportation (OTS)	<ul style="list-style-type: none"> Clarification of the number of trips generated by uses currently located in the administrative office building. Status: Resolved. Detail of how recycled materials enter and exit the site and the corresponding number of trips involved. Status: Resolved.

III. FINDINGS

1. The application is consistent with the policy guidance of the Revised General Plan in that the civic use (i.e. structure or use for federal, state, county, or local government purposes and recycling drop-off collection center, large) is anticipated as part of the land use mix for a Business community.
2. The application will promote the health, safety, and welfare of the general public by providing a convenient location for citizens, including Loudoun County, to dispose of refuse in an environmentally sensitive manner.
3. The approval of the applications will resolve conformity issues related to pre-existing non-conforming uses.

IV. SPEX CONDITIONS OF APPROVAL – December 31, 2008

Staff recommends the following conditions of approval:

1. **Substantial Conformance** – The special exception uses for a “recycling drop-off collection center, large,” and a “structure or use for federal, state, county, or local government purposes” shall be developed in substantial conformance to the “SPECIAL EXCEPTION TOWN OF HERNDON MUNICIPAL FACILITY” Special Exception Plat dated July 2006, revised to July 2008, and prepared by Burgess & Niple. Approval of this application does not relieve the Property of any Zoning Ordinance, Codified Ordinance, or any other requirement.
2. **Existing Landscaping** – Existing mature landscaping located adjacent to the recycling drop-off facility shall be retained and maintained in good condition.
3. **Hours of Operation** – The hours of operation of the recycling drop off center, large shall be limited from 7:00 a.m. until 7:00 p.m.
4. **Exterior Lighting** – Any additional lighting installed to accommodate the facility shall be fully shielded as defined by the Illuminating Engineering Society of North America (IESNA). Light shall be directed inward and downward toward the interior of the property, away from nearby properties.

V. PROJECT REVIEW

A. CONTEXT

On November 6, 2006, the County accepted, on behalf of the Town of Herndon, a request for Special Exception (SPEX 2006-0028) to permit a recycling drop-off collection center, large, and a structure or use for federal, state, county, or local government purposes in the R-1 (Single Family Residential) zoning district. Concurrently, a Commission Permit, required for any public facility not already shown as a feature on the Comprehensive Plan, was processed by the County, though it was not specifically requested by the Town.

The site is located at the southeast quadrant of the Sterling Road (Route 606) / Rock Hill Road (Route 605) intersection and is improved with a single story structure and associated parking. The area subject to the special exception (1.1 acres) is part of a larger 14.7-acre parent tract also owned by the Town. Only 2.2 acres of this tract are located within the jurisdictional boundaries of Loudoun County; the remaining acreage is located within the Town of Herndon. The County's shared boundary with the Town traverses the site and bisects the building.

The 2.2 acres located within Loudoun County and subject to this application are currently utilized as a drop-off recycling facility and administrative offices, both non-conforming related to use. A public works department maintenance facility, operated by the Town, is located on the remaining 14.7 acres. The current application seeks to provide legislative approval for the uses located within Loudoun County and were submitted in response to enforcement actions by the Loudoun County Zoning Administrator. Because the facilities and structures required to implement the proposed uses are currently in place and operating, no new exterior construction or site disturbance is required or proposed.

B. SUMMARY OF OUTSTANDING ISSUES

No issues remain outstanding. Staff notes that at the time of publication of this report, the Applicant has not reviewed the recommended Conditions of Approval. In addition, the Conditions of Approval have not been approved to legal form by the County Attorney's Office. Revisions to the Conditions can be expected.

C. OVERALL ANALYSIS

COMPREHENSIVE PLAN

The site is governed under the policies of the Revised General Plan (Plan) and is located in the Sterling Community of the Suburban Policy Area. The site is planned for Business uses according to the Planned Land Use Map (Revised General Plan, p. 7-23).

The Plan envisions a Business community as predominantly large-scale office and/or light-industrial communities. The land use mix allows for housing and/or commercial/retail to ensure services, shops, and recreation are located within general proximity of an employment center. Ten-percent (10%) of the land use should be devoted to public and civic uses, defined as public or quasi-public institutional uses such as churches, fire and rescue facilities, schools, day care centers, group homes, community centers, post offices, and community club houses. The recycling drop-off center and the structure for general governmental services would be defined by the Plan as civic uses and are indicative of the types of public services envisioned for a Business community.

Though not specifically noted as an existing feature on the County's Comprehensive Plan, the site has been used for public purposes since its construction in 1952. A public recycling center and a building for general governmental offices are compatible with other public use facilities, and, as such, the Commission Permit for those two uses is consistent with the Revised General Plan.

ZONING

The property under consideration is a 2.2 acre portion of a 14.7 acre tract, identified as Loudoun County Tax Map Number Tax Map /95/////////97/. The area subject to the Special Exception consists of 1.1 acres and is currently zoned R-1 (Single Family Residential), governed by the Revised 1993 Zoning Ordinance. The site is improved with a single-story structure and associated parking and is currently being utilized as a drop-off recycling facility and administrative offices, both non-conforming related to use. The application proposes two special exception uses, recycling drop-off collection center, large, and a structure or use for federal, state, county, or local government purposes, permitted pursuant to Sections 3-103 (L) and (Y) of the Revised 1993 Zoning Ordinance respectively. This Special Exception will legitimize those activities currently in operation on the site. A companion application for a Commission Permit is being processed to ensure the uses are consistent with the county's comprehensive plan.

Recycling Drop-Off Center

As noted above, a recycling drop-off center is permitted in the R-1 (Single Family Residential) district by Special Exception but is subject to the performance standards as defined by Section 5-607 of the Revised 1993 Zoning Ordinance. Currently, the recycling drop-off center consists of eight (8) steel containers situated on an asphalt-paved area in a perpendicular fashion to the right-of-way of Rock Hill Road. Primary access to the public is via an existing entrance from Rock Hill Road through Loudoun County. The performance standards of Section 5-607 dictate the size of such a facility, the type of containers suitable for such a use, the identification of such containers, the hours of operation, buffering, and the siting of such a facility related to nearby residential dwellings and right-of-ways.

Initially, the application proposed modifications to the performance standards noted in Sections 5-607(A)(9) and 5-607(B)(1) related to the distance from any residential dwelling and the setback from a right-of-way. As currently situated, the recycling containers are located 124-feet from the closest residential dwelling and an average of twenty-feet (20') from the right-of-way of Rock Hill Road. Per the Ordinance, those distances should be 150-feet and fifty-feet (50') respectively. As revised, the application proposes to relocate the containers to an area within the same asphalt-paved area opposite of the right-of-way with Rock Hill Road, adjacent to an existing on-site pond. Such an orientation will relocate several of the containers parallel to Rock Hill Road and outside of the jurisdictional boundaries of Loudoun county, increasing the distance from the nearest residential dwelling to 150-feet while maintaining a setback from Rock Hill road of 50-feet. These revisions no longer necessitate the need for modifications to the performance standards which were subsequently withdrawn.

Administrative Office Building

The site is approved with a single story structure and associated parking; the Loudoun / Fairfax boundary traverses the property and bisects the buildings. Constructed in 1952, the building maintains a setback from Route 606 of eighty-four feet (84') and a parking setback of fifteen-feet (15'), both of which are non-conforming. The building is currently used for general governmental purposes for the Town of Herndon, and is, once again, non-conforming related to use. Because the building and associated parking areas were established before the

effective date of the Ordinance, both may continue as legally non-conforming but are subject to the requirements in Section 1-403 which limits further expansion of the footprint. All existing and stated uses of the building can be accommodated by the proposed special exception.

TRANSPORTATION

The subject property is located in the southeast quadrant of the Sterling Road / Rock Hill Road intersection at the Loudoun County / Town of Herndon boundary. Access to the site through Loudoun County is via Rock Hill Road by means of an existing access point located at the southern point of the subject site. Access through the Town of Herndon is via Sterling Road by means of an existing right-in / right-out. Sterling Road (Route 606) is a four lane median divided roadway in the vicinity of the subject site in both jurisdictions. Rock Hill Road is a four lane undivided roadway from Route 606 to the site's access at which point it transitions to a two lane paved road section.

The Applicant has stated that the uses in the existing structure generate 245 vehicle trips per day. Another 169 vehicle trips are generated by the proposed recycling drop-off center. OTS notes that Route 606 east of Shaw Road is currently operating at a Level of Service (LOS) F during peak hours; expansion of Route 606 is necessary but not required in the 2001 Countywide Transportation Plan (CTP). As such, OTS has suggested a condition of approval be considered which would require the recycling center to be relocated if improvements to Route 606 are not made within a certain timeframe (i.e. 10 years). Though the Planning Commission may consider such a condition, it should be noted that the use is currently in operation, and its impacts on the local roadway have been realized. No expansion to the existing facilities is proposed, and no additional trips can be anticipated.

D. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1310 of the Loudoun County Zoning Ordinance states "In considering a Special Exception application, the following factors shall be given reasonable consideration. The applicant shall address all the following in its statement of justification or Special Exception plat unless not applicable, in addition to any other standards imposed by this Ordinance":

(A) Whether the proposed Special Exception is consistent with the Comprehensive Plan.

The site is located in area defined by the Revised General Plan as suitable for Business uses. Business communities are intended as mixed use areas and may include both residential and commercial retail uses; ten percent (10%) of the land area is intended for public and/or civic uses. The recycling drop-off center and the building for general governmental services are both considered civic uses by the Revised General Plan and, as such, are consistent with the area's Business designation.

(B) Whether the proposed Special Exception will adequately provide for safety from fire hazards and have effective measures of fire control.

As the site is already developed and operational, existing measures for fire prevention and control are in place.

(C) Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.

The proposed use of this property will not result in unusual levels of noise that would have any impact on any adjoining property.

(D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.

On-site lighting is limited to that which would illuminate the parking areas; lighting for the recycling facility is limited to a single light post. A condition of approval has been included that states any additional lighting installed to accommodate the special exception shall be fully shielded and will be directed inward and downward toward the interior of the property, away from nearby properties.

(E) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.

Existing land uses include various commercial uses and vacant tracts located to the west and north of site on the opposite sides of both Rock Hill Road and Sterling Road. Existing land uses to the east include a public works maintenance facility, located within and operated by the Town of Herndon. A residential subdivision, located within the Town Herndon, adjoins the south side of the Town's maintenance facility and abuts the subject site at its southeast corner, near the recycling facility. Residential dwellings are also located within Loudoun County southwest of the site, opposite Rock Hill Road. Though compatible with the various commercial uses located in the vicinity, the uses may not be compatible with the residential uses located both within the Town and Loudoun County. Staff does note, however, the subject site has been used for governmental purposes since 1952, and the R-1 (Single family Residential) district does not preclude such uses, given the impacts of which are properly mitigated. To this effect, conditions of approval have been suggested ensuring existing landscaping is maintained and regulating hours of operation of the recycling center.

(F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.

The recycling drop-off center is currently screened by a combination of existing natural vegetation, additional landscape buffer trees, and a solid board fence. Screening along the site's eastern boundary, the Loudoun County / Town of Herndon shared boundary, is not necessary as the uses are also owned by the Town and are part of the same parcel.

(G) Whether the proposed Special Exception will result in the preservation of any topographic or physical, natural, scenic, archaeological, or historic feature of significant importance.

The Special Exception uses do not fall within any known area that has significant archeological or historical significance.

(H) Whether the proposed Special Exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.

The site is currently developed, and no new exterior construction or site disturbance is required to implement the proposed use. As such, no damage to existing animal habitat or vegetation is anticipated.

(I) Whether the proposed Special Exception at the specified location will contribute to or promote the welfare or convenience of the public.

The Special Exception request for a recycling drop-off collection center, large will promote the welfare and convenience of the public by providing a location, in close proximity to population centers, for residents of both the Town of Herndon and Loudoun County to dispose of refuse in an environmentally friendly manner.

(J) Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.

The site is served by Route 606 (Sterling Road) and Route 605 (Rock Hill Road). The proposed uses currently exist on-site and have been operating for some time. As such, the traffic generated by the uses is and will continue to be served by these routes.

(K) Whether, in the case of existing structures proposed to be converted to uses requiring a Special Exception, the structures meet all code requirements of Loudoun County.

All code requirements have and will continue to be met.

(L) Whether the proposed Special Exception will be served adequately by essential public facilities and services.

The site is currently developed, and all public facilities and utilities have been extended.

(M) The effect of the proposed Special Exception on groundwater supply.

The site is currently developed, and all utilities and stormwater management facilities have been extended. No effect on the groundwater supply can be anticipated.

(N) Whether the proposed use will affect the structural capacity of the soils.

The site is already developed; no additional exterior construction or site disturbance is expected. As such, no impact to the structural capacity of the soils can be anticipated.

(O) Whether the proposed use will negatively impact orderly and safe road development and transportation.

The proposed uses are currently in operation and have been for some time. The trips generated by the uses have been realized. No expansion to the existing facilities is proposed, and, as such, no additional impact to the transportation network is anticipated.

(P) Whether the proposed Special Exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.

The proposed Special Exception will provide space for Town of Herndon employees and other non-profit agency offices.

(Q) Whether the proposed Special Exception considers the needs of agriculture, industry, and businesses in future growth.

The proposed Special Exception is a public use site and will provide an invaluable service to the surrounding business and residential community by providing a convenient location to dispose of refuse in an environmentally friendly manner.

(R) Whether adequate on and off-site infrastructure is available.

The site is currently fully developed, and all on and off-site infrastructure has been provided.

(S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.

The site is proposed as a recycling drop-off center for glass bottles, aluminum cans, brown corrugated boxes, and the like. It is not a facility for the disposal of general refuse. As such, it is not anticipated that the use will result in any odors that would have any impact on adjoining properties.

(T) Whether the proposed Special Exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.

The site is currently improved with those structures and facilities to implement the proposed uses; no exterior construction or site disturbance is proposed. As such, no construction traffic is anticipated.

VI. ATTACHMENTS	PAGE NUMBER
1. Review Agency Comments	
a. Planning Department, Community Planning	A-1
b. Building and Development, Zoning Administration	A-5
c. Office of Transportation Services (OTS)	A-19
d. Virginia Department of Transportation (VDOT)	A-27
e. Fire, Rescue, & Emergency Management	A-29
f. Loudoun County Health Department	A-31
2. Disclosure of Real Parties in Interest	A-33
3. Applicant's Statement of Justification	A-47
4. Applicant's Response to Referral Agency Comments	A-53
5. Special Exception Plat; dated July 2006; revised July 2008	Attached

NOTE: Attachments are available electronically, and may be viewed at the Planning Department Front Counter or in the Building & Development File Room.